

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JOHN K. LATTA,**

**Respondent,**

**v.**

**JOHN MAHN, and LISA LINDSEY,**

**Appellants.**

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DOCKET NUMBER WD78051

**Date: March 29, 2016**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Jalilah Otto, Judge

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Appellate Judges:  
Division Four: Alok Ahuja, C.J., P.J, Thomas H. Newton and James E. Welsh, JJ.

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Attorneys:  
John K. Latta, Kansas City, MO, Respondent acting pro se  
John Mahn and Lisa Lindsey, Kansas City, MO, appellants acting pro se

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**JOHN K. LATTA**

**Respondent,**

**v.**

**JOHN MAHN, and LISA LINDSEY,**

**Appellants.**

**WD78051**

**Jackson County**

John Mahn and Lisa Lindsey appeal from a default judgment entered against them and in favor of Respondent John Latta, in an action by Latta seeking possession of a rental property located in Kansas City. The circuit court entered a default judgment against Mahn and Lindsey. Mahn and Lindsey never filed a motion to set aside the default judgment in the circuit court, but instead filed a notice of appeal to this Court.

### **APPEAL DISMISSED.**

Division Four holds:

Generally, a party may not appeal a default judgment until the party has first filed in the circuit court a motion to set aside the default judgment as provided under Rule 74.05(d). Because Mahn and Lindsey filed no such motion to set aside in this case, their appeal must be dismissed.

Before: Division Four: Alok Ahuja, C.J., P.J, Thomas H. Newton and James E. Welsh, JJ.

Opinion by: Alok Ahuja, Judge

**March 29, 2016**

<b>THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.</b>
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